

RENTON CITY COUNCIL
Regular Meeting

May 17, 1999
Monday, 7:30 p.m.

Council Chambers
Municipal Building

MINUTES

CALL TO ORDER

Mayor Jesse Tanner led the Pledge of Allegiance to the flag and called the meeting of the Renton City Council to order.

**ROLL CALL OF
COUNCILMEMBERS**

KING PARKER, Council President; KATHY KEOLKER-WHEELER; BOB EDWARDS; TONI NELSON; RANDY CORMAN; TIMOTHY SCHLITZER.

MOVED BY PARKER, SECONDED BY KEOLKER-WHEELER, COUNCIL EXCUSE ABSENT COUNCILMAN DAN CLAWSON. CARRIED.

**CITY STAFF IN
ATTENDANCE**

JESSE TANNER, Mayor; LARRY WARREN, City Attorney; BRENDA FRITSVOLD, Deputy City Clerk; GREGG ZIMMERMAN, Planning/Building/Public Works Administrator; SUSAN CARLSON, Economic Development, Neighborhoods & Strategic Planning Administrator; DEREK TODD, Finance Analyst; JENNIFER TOTH HENNING, Senior Planner; JIM SHEPHERD, Community Services Administrator; KAREN MARSHALL, Human Services Manager; CHIEF A. LEE WHEELER, Fire Department; COMMANDER KEVIN MILOSEVICH, Police Department; CHIEF GARRY ANDERSON, Police Department.

PRESS

Claire Booth, *South County Journal*

**APPROVAL OF
COUNCIL MINUTES**

MOVED BY PARKER, SECONDED BY EDWARDS, COUNCIL APPROVE THE MINUTES OF MAY 10, 1999 AS PRESENTED. CARRIED.

PROCLAMATIONS

American Legion Auxiliary
Poppy Sales Days:
May 21-30, 1999

A proclamation by Mayor Tanner was read declaring the week of May 21-30, 1999, to be "American Legion Auxiliary Poppy Sales Days" in the City of Renton, and urging all citizens to recognize the merits of this cause by contributing to its support through the donation of funds for poppies as symbols of appreciation for the sacrifices of our honored dead. MOVED BY PARKER, SECONDED BY KEOLKER-WHEELER, COUNCIL CONCUR IN THE PROCLAMATION AS READ. CARRIED.

Mrs. Owens accepted the proclamation on behalf of the American Legion.

Salvation Army Week:
May 17-21, 1999

A proclamation by Mayor Tanner was read declaring May 17-21, 1999, to be "Salvation Army Week" in the City of Renton in tribute to the efforts of the Salvation Army which benefits millions of persons each year by providing a complete range of social programs such as food banks, emergency assistance, and referrals to local services. MOVED BY NELSON, SECONDED BY PARKER, COUNCIL CONCUR IN THE PROCLAMATION AS READ. CARRIED.

Salvation Army Captains James Halverson and Eileen Halverson, and Boardmembers Toni Nelson, A. Lee Wheeler, Garry Anderson, and Karen Marshall accepted the proclamation on behalf of the Salvation Army. Captain Halverson spoke in appreciation of the support the Salvation Army has received from the Mayor and Council, City of Renton employees and Renton residents.

SPECIAL PRESENTATION
EDNSP: Port Quendall
Development Update

Susan Carlson, Economic Development, Neighborhoods and Strategic Planning Administrator, reported that in June 1998, the City entered into a one-year purchase and sale agreement to evaluate the benefits and potential risks of

accepting ownership of the Port Quendall Terminals property. Ms. Carlson reviewed that the property, 23 acres located on Lake Washington, is contaminated, to the extent that the cleanup costs exceed the value of the property.

Ms. Carlson said according to the purchase and sale agreement, the property owners would give the property to the City and the City would negotiate a cleanup action plan with the Department of Ecology and other natural resource trustees. The funding for the cleanup will come from State and Federal grants and from the sale of the upland portion of the property. Ms. Carlson explained that before the City can take ownership of the property, certain contingencies must be met. These include negotiating the prospective purchasers agreement, procuring insurance and funding, obtaining the necessary permits, and Council approval.

Continuing, Ms. Carlson emphasized that the public benefits of cleaning up the property include retaining the shoreline for permanent public access and restoration and improvement of the fish and wildlife habitat. Ms. Carlson then introduced Environmental Attorney Bill Joyce, a consultant to the City on this project. Mr. Joyce described the various contaminants affecting the property, explaining that since it is not feasible to remove all of the site's contaminants, the City plans to remove much of it and perform containment on that which will remain. The essence of the cleanup plan is to remove the innershore soils that are heavily contaminated with creosote materials by trying to remove as much sediment as possible according to action levels set by various State and Federal agencies.

Mr. Joyce reported that the best estimate for the cleanup costs is \$20 million which includes the cost of insurance and project management. Pointing out that substantial progress has been made on this project, Mr. Joyce explained that the issues remaining for resolution are: Department of Ecology review of the cleanup plan, permits from the Army Corps of Engineers to allow for cleanup work in the water, purchase and sale agreement with a prospective buyer and obtaining insurance. Mr. Joyce pointed out that standards have been raised due to recent developments in the Endangered Species Act thus making the cleanup process that much more complex.

In conclusion, Ms. Carlson explained that in order for all the contingencies to be met, staff recommends that Council extend the date of the purchase and sale agreement between the property owners and the City until 12/31/99. Responding to Councilman Parker, Ms. Carlson said that significant progress has been made so far and due to the fact that the City has received a lot of cooperation from the Department of Ecology and other agencies, she foresaw little reason why the City won't be able to move ahead with this project.

MOVED BY PARKER, SECONDED BY CORMAN, COUNCIL EXTEND THE DATE OF THE PURCHASE AND SALE AGREEMENT FOR THE PORT QUENDALL TERMINALS PROPERTY TO 12/31/99 WITH THE STIPULATION THAT ALL OTHER CONDITIONS AND CONTINGENCIES REMAIN THE SAME. CARRIED.

APPEAL

Planning & Development Committee

Appeal: Labrador Ventures

Planning & Development Committee Chair Keolker-Wheeler presented a report regarding the Labrador Ventures preliminary plat (PP-98-141); the site is located on the 2700 block of Lake Washington Blvd. The appeal was heard by the Committee on May 6, 1999. Four issues were considered.

Preliminary Plat, 2700 Lk
Wash Blvd N, PP-98-141

1. Rezone of R-1 property to R-5. The Hearing Examiner recommended denial of the rezone. The Committee can find no error in fact or law and therefore recommended denial of the appeal.
2. Topographical resurvey. The Hearing Examiner recommended that the property undergo a topographical resurvey. The Committee finds no factual basis in the record for such a requirement. The Committee therefore recommended that the Council grant the appeal on this issue and reverse the Hearing Examiner, striking the requirement for a topographical survey.
3. Open truss bridge. The Examiner required the developer to install an open truss bridge rather than the proposed open bottom arched earth-covered bridge. The Committee could find no factual support in the record to justify such a modification. For example, an open truss bridge would create more noise. The testimony was that wildlife would find the arch bridge just as easy to bypass as would be an open truss bridge. The Committee therefore recommended that the Council grant the appeal on this issue, reverse the Hearing Examiner, and permit the applicant to use its proposed bridge subject to normal engineering review to determine that the bridge meets City bridge standards, is properly designed, and that the construction provides for appropriate erosion and sedimentation control.
4. Added SEPA conditions. The Hearing Examiner's decision requested that the Department of Fish and Wildlife survey the site and an eagle perching tree to ascertain if nesting occurs and if protection of it or the perimeter is required. Subsequently, a letter from the Department of Fish and Wildlife was received by the City on April 28, 1999, which may or may not have imposed an additional SEPA condition. However, because there was no SEPA appeal before the City Council, the Committee recommended that no action be taken by the Council under the Council's appellate authority.

MOVED BY KEOLKER-WHEELER, SECONDED BY EDWARDS,
COUNCIL CONCUR IN THE COMMITTEE REPORT. CARRIED.

Councilmember Keolker-Wheeler said because the Hearing Examiner asked for input from the Department of Fish and Wildlife regarding the added SEPA conditions, at the time of the appeal hearing, no one knew what these conditions were to be. Ms. Keolker-Wheeler pointed out that both the public and the developer have a right to know what these conditions are and have time to address any concerns to Council.

Continuing, Ms. Keolker-Wheeler reported that after the appeal was filed, the City received two letters from the Department of Fish and Wildlife regarding this matter. She explained that since the Council must still act on the preliminary plat, by law it retains the power to establish mitigation measures before approving the plat. Therefore it was MOVED BY KEOLKER-WHEELER, SECONDED BY EDWARDS, COUNCIL ESTABLISH A TWO WEEK PERIOD TO RECEIVE COMMENTS FROM ANY INTERESTED PARTY CONCERNING THE TWO LETTERS FROM THE DEPARTMENT OF FISH AND WILDLIFE AND ANY MITIGATION CONDITIONS SUGGESTED BY THOSE LETTERS, BEFORE ACTING ON THE LABRADOR VENTURES PRELIMINARY PLAT. CARRIED.

Councilmember Keolker-Wheeler announced that Senior Planner Jennifer Toth Henning is the staff contact for the project and should be contacted with any questions or comments regarding the appeal.

**ADMINISTRATIVE
REPORT**

Finance Analyst Derek Todd reviewed a written administrative report summarizing the City's recent progress towards goals and work programs adopted as part of its business plan for 1999 and beyond. Items noted included:

- ✱ Kris Stimpson, Community Center and Program Coordinator, was named Community Service's Employee of the Quarter for her outstanding efforts in developing and supervising youth and adult programs at the center, as well as the quarterly Community Services Program Brochure.
- ✱ The Community Services Department summer program brochure will be available on May 18th. The summer program runs June through August and includes activities for all ages.
- ✱ The WSDOT will begin painting the Bronson Way Bridge on June 1st and the project should be completed in five to six weeks. One lane in each direction will be closed to vehicular traffic during work hours, and the bridge sidewalk will be closed to pedestrian traffic.
- ✱ WSDOT has awarded the City a \$225,000 grant for the S. 2nd St. safety improvement project. The funds will be used to install traffic signal mast arms.

CONSENT AGENDA

Items on the consent agenda are adopted by one motion which follows the listing. At the request of Councilman Edwards, item 9.b. was removed for separate consideration.

City Clerk: Establishing
Priority for the Master Zoning
Use Table

City Clerk recommended approval of an ordinance establishing first priority for the Master Zoning Use Table in the event of a conflict between the master table and the individual use tables found throughout Title IV of City Code. Council concur. (See page 179 for ordinance.)

Human Services: 2000 CDBG
Funds

Human Services Division recommended acceptance of the 2000 Community Development Block Grant funds in the estimated amount of \$350,420. Council concur.

Police: Jail Inmate Health
Services Extension,
Occupational Health Services,
CAG-99-044, Adden. #1-99

Police Department recommended approval of Addendum #1 to CAG-99-044, contract with Occupational Health Services (Public Hospital District No. 1) for jail medical services to extend the agreement from April 1, 1999 through March 31, 2000. The annual cost has increased from \$102,700 to \$110,916. Refer to Public Safety Committee.

Public Works: Downtown &
Springbrook Springs Corrosion
Control Facilities, Harbor
Pacific Contractors, CAG-97-
131

Water Utility Division submitted CAG-97-131, Downtown and Springbrook Springs Corrosion Control Facilities project; and recommended approval of the project, authorization for final pay estimate in the amount of \$108.61, commencement of 60-day lien period, and release of retained amount of \$68,106.19 to Harbor Pacific Contractors if all required releases are obtained. Council concur.

Public Works: South Renton
Sewer Replacement, Gary
Merlino Construction Co.,
CAG-97-115

Wastewater Utility Division submitted CAG-97-115, South Renton Sewer Replacement project; and recommended approval of the project, authorization for final pay estimate in the amount of \$68,025.95, commencement of 60-day lien period, and release of retained amount of \$51,227.43 to Gary Merlino Construction Co., contractor, if all required releases are obtained. Council concur.

MOVED BY PARKER, SECONDED BY SCHLITZER, COUNCIL
APPROVE THE CONSENT AGENDA AS AMENDED TO REMOVE ITEM

9.b. FOR SEPARATE CONSIDERATION. CARRIED.**Separate Consideration****Item 9.b.**

Executive: *CitySource*
Publication Schedule (*Renton Reporter*), CAG-98-160,
Adden. #1-99

Executive Department recommended approval of Amendment #1 to CAG-98-160, contract with the *Renton Reporter* to publish *CitySource* (Renton's newsletter to its citizens) to change the publication schedule from two pages once per month to one page every other week.

Councilman Edwards said that he would like Council to preview what the revised format for *CitySource* will look like. **MOVED BY EDWARDS, SECONDED BY NELSON, COUNCIL REFER THE MATTER REGARDING CHANGING THE PUBLICATION SCHEDULE OF *CITYSOURCE* TO THE COMMUNITY SERVICES COMMITTEE. CARRIED.**

**ORDINANCES AND
RESOLUTIONS**

City Clerk: Establishing
Priority for the Master Zoning
Use Table

The following ordinance was presented for first reading and referred to the Council meeting of 05/24/99 for second and final reading:

An ordinance was read amending Section 4-2-050.C of Chapter 1, Land Use Districts, of Title IV (Development Regulations) of City Code by clarifying priority in the event that the Master Zoning Use Table and individual use tables conflict. **MOVED BY KEOLKER-WHEELER, SECONDED BY NELSON, COUNCIL REFER THE ORDINANCE FOR SECOND AND FINAL READING ON 05/24/99. CARRIED.**

City Volunteer Recognition
Dinner

Councilman Parker announced that the Volunteer Recognition Dinner held last week was a success. He commented that the dinner was a tribute to the approximately 800 City volunteers.

NEW BUSINESS

Citizen Comment: Bissonnette
- King County's Solid Waste
Plan

MOVED BY KEOLKER-WHEELER, SECONDED BY CORMAN, COUNCIL REFER THE LETTER RECEIVED FROM THE KING COUNTY DEPARTMENT OF NATURAL RESOURCES REGARDING UPDATING THE COUNTY'S SOLID WASTE PLAN TO THE UTILITIES COMMITTEE. CARRIED.

SCA: Councilmember
Keolker-Wheeler to serve as
Secretary

Councilman Edwards congratulated Councilmember Keolker-Wheeler on being recently elected to the office of Secretary for the Suburban Cities Association.

ADJOURNMENT

MOVED BY PARKER, SECONDED BY CORMAN, COUNCIL ADJOURN. CARRIED. Time: 8:22 p.m.

BRENDA FRITSVOLD, Deputy City Clerk